UNITED STATES PATENT AND TRADEMARK OFFICE

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10/827,125	04/19/2004	Michael David Burke	00326P00140US	2309

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ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/827,125	BURKE, MICHAEL DAVID
Office Action Summary	Examiner	Art Unit	
	Dangelino N. Gortayo	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *4/23/2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-34* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-34* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *19 April 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In the amendment filed on 4/23/2007, claims 1-20 have been cancelled. Claims

21-34 have been added. The currently pending claims considered below are Claims 21-

34.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

The abstract of the disclosure is objected to because the abstract contains legal

phraseology in lines 3-5. Additionally, the abstract uses the word "disclosed", which is

implied. Additionally, line 6 has the text "The system may be computer based". This

phrase is not clear and concise. Correction is required. See MPEP § 608.01(b).

3.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The following title is

suggested: "System for the Analysis of Business Data to Generate a Summary Report"

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 21-34 is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claim 21 recites the limitation "said data" in limitation

(d). There is insufficient antecedent basis for this limitation in the claim, as it is unclear

wether it is referring to static data or balance data. Claims 22-34 recite the limitation "A

system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

For purposes of examination, examiner reads it as "the system". Additionally, claim 28

recites the limitation "the first mentioned system". There is insufficient antecedent basis

for this limitation in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

6.   Claims 21-34 are rejected under 35 U.S.C. 102(b) as being anticipated by <u>Anand</u>

et al. ("Anand" US Patent 5,832,496)

As per claim 21, <u>Anand</u> discloses "A computer-based system for high level

summary of business results to target scarce business resources at business change,"

(see Abstract, figure 10, and column 1 lines 26-38)

"comprising (a) a single screen;" (Figure 6 and column 17 lines 5-12, "primary

overlay")

"(b) means to assimilate static data into the system;" (column 4 lines 48-57,

column 5 lines 12-16, lines 24-31, wherein access to data defining data is provided by

an Enterprise Information factory)

"(c) means to assimilate balance data into the system;" (column 4 lines 48-57,

column 6 lines 55-66, wherein data stored in a database is retrieved from data

warehouses)

"(d) means to provide mapping of and a normalised structure of said data as a

summary report;" (Figure 12, column 12 lines 22-29, lines 51-65, column 16 lines 46-52,

and column 18 lines 38-59, wherein mapping from business concepts to database

entities is provided and a summary page is generated in a specific format)

"(e) means to provide a summary and audit reports as a sign-off report;" (Figure

6 reference 122, Figure 12, column 17 lines 52-59, and column 18 lines 38-59, wherein

a summary page is provided to be used by an end user analyst)

"(f) means to produce a separate report for each of a group of high level groupings;" (Figure 6 reference 112, Figure 12, 16, 17, 18, column 18 lines 5-9, lines 48-59, column 38 lines 34-57, and column 39 lines 27-36, wherein groups of objects are in a hierarchy and can be grouped automatically or by a user, to provide a report)

"and (g) means to trigger bench-mark calculations which check the said reports for mapping changes and which are reviewed by a user of the system using the single screen," (column 3 lines 42-47, column 4 lines 57-60, column 10 lines 8-40, column 40 lines 23-37, wherein an analyst and exception analyst analyzes data for events such as user updating data, and can be analyzed by a user to be saved or run and executed again) "whereby to provide an analysis of a business comprising a relational data base management system (RDMS) and a visual basic front-end." (column 7 lines 17-26, lines 45-65, wherein a database stores data and a client computer uses a GUI for user manipulation)

As per claim 22, Anand discloses "the means to assimilate data comprises a data base and graphical user interface whereby to normalise static data input." (column 7 lines 17-26, lines 45-65)

As per claim 23, Anand discloses "the graphical user interface comprising drag and drop means whereby to display a normalised structure." (column 6 lines 47-54, column 30 lines 27-54)

As per claim 24, Anand discloses "there are sign off sheet categories adapted to group input data and to replay said data for formal sign off." (Figure 6, column 17 lines 52-59, column 18 lines 5-9, lines 38-59)

As per claim 25, <u>Anand</u> discloses "there is dictionary means adapted to relate to nodal points of a structure, and refer to exclude data related to discrete nodal points." (column 6 lines 55-66, column 15 lines 38 – column 16 line 35)

As per claim 26, <u>Anand</u> discloses "the said data is related to criteria related to or associated with a discrete nodal point." (column 16 lines 18-43)

As per claim 27, <u>Anand</u> discloses "there is a relational data base management system and a visual front end system" (column 7 lines 17-26, lines 45-65)

As per claim 28, <u>Anand</u> discloses "the first mentioned system forms at least part of the means to assimilate static data and comprises a plurality of discrete store tables for data." (column 15 lines 37-43 and column 7 lines 45-56)

As per claim 29, <u>Anand</u> discloses "the store tables are selected from the group comprising respectively tables to store source data, standardised structures and definitions, translated data, benchmarking results and/or allocations and security and audit functions." (column 45 line 29 – column 46 line 57, wherein tables in a database are shown showing categories of entities set up during installation)

As per claim 30, <u>Anand</u> discloses "the visual front end system is adapted to manipulate data of the relational data base management system." (column 6 lines 48-54)

As per claim 31, <u>Anand</u> discloses "the visual front end system comprises respective means for loading data, manipulation of standardised structures and definitions, mapping, translation of data into standardised format, calculation of results,

reporting and administration." (Figures 6, 7A, 7B, 7C, 7D, 7E, 8A, 8B, 9A, 9B, 9C, 10,

11, and column 6 lines 48-54)

As per claim 32, <u>Anand</u> discloses "means for loading data comprising means for

handling data comprising static data, reporting structure, balance and metric data." ."

(column 14 lines 47-58)

As per claim 33, <u>Anand</u> discloses "the means for administration comprises

means for providing security and/or audit trail facilitation." (column 7 line 66 – column 8

line 29, wherein a user can have client and system administrator privileges determined

by a log-in module)

As per claim 34, <u>Anand</u> discloses "the business comprises investment banking"

(column 12 lines 8-28, wherein the system is used to handle business concepts)

Response to Arguments

7.   Applicant's amendments, see page 2, filed 4/23/2007, with respect to the

rejection under 35 USC 101 have been fully considered and are persuasive. The

rejection in regards to 35 USC 101 has been withdrawn.

8.   Applicant's amendments, see page 2, filed 4/23/2007, with respect to the

rejection under 35 USC 112, second paragraph have been fully considered but are not

persuasive. New claims 22-34 recite the limitation "A system" in line 1, which has

insufficient antecedent basis. For purposes of examination, examiner reads it as "the

system". Additionally, claim 28 recites the limitation "the first mentioned system". There

is insufficient antecedent basis for this limitation in the claim.

9.   Applicant's arguments, see page 6, filed 4/23/2007, with respect to the rejection

under 35 USC 102(b) have been fully considered but are not persuasive.

a.   Examiner is entitled to give claim limitations their broadest reasonable

interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the

broadest reasonable interpretation consistent with the specification.' Applicant

always has the opportunity to amend the claims during prosecution and broad

interpretation by the examiner reduces the possibility that the claim, once issued,

will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-

51 (CCPA 1969).

b.   Applicant's argument is stated as the present invention comprises a single

computer system which provides for a user, a relational data base management

system and a visual basic front end which is accessed as a single screen

carrying all data after respective iterations, which Anand does not disclose.

In response to the argument, Examiner respectfully disagrees. Nowhere in

the claim is it mentioned that the system is necessarily limited to being in a single

computer, as stated in the argument, and the invention of Anand teaches a single

system to perform intelligent analysis of business data composed of various

parts. Anand teaches both a relational database management system contained

in a database computer and a visual basic front-end contained in server and

client computers to be accessed by a user through a primary overlay (Figure 6,

column 7 lines 17-26, lines 45-65, and column 17 lines 5-12).

c.   Applicant's argument is stated as Anand does not teach means to trigger

bench-mark calculations which check reports for mapping changes and which

are reviewed by a user of the system using a single screen.

In regards to the argument, Examiner respectfully disagrees. Applicant is

directed to the 35 USC 102(b) rejection of claim 21 above, particularly to column

3 lines 42-47, column 4 lines 57-60, column 10 lines 8-40, column 40 lines 23-37,

wherein an analyst and exception analyst analyzes data for events such as user

updating data, and can be analyzed by a user to be saved or run and executed

again. Therefore, Anand teaches means to trigger bench-mark calculations which

check reports for mapping changes and which are reviewed by a user of the

system using a single screen.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dangelino N. Gortayo whose telephone number is

(571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo   Tim T. Vo
Examiner   SPE

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER